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BEFORE THE SUBCOMMITTEE ON
SURFACE TRANSPORTATION
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE
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THE TANDEM TRUCK SAFETY ACT OF 1984

Mr. Chairman, thank you for this opportunity to appear before the Subcommittee on Surface Transportation to discuss Senator Moynihan's bill, S. 2217, entitled "The Tandem Truck Safety Act of 1984." With me today to help answer your questions is Deputy Federal Highway Administrator Lester P. Lamm.

S. 2217 would amend the Surface Transportation Assistance Act of 1982 (STAA) to provide the Secretary with the authority to exempt segments of the Interstate System from the STAA's limitation on State regulation of the tandem configurations and vehicle lengths authorized under section 411 of the Act. The bill would establish a mechanism by which the Governor of a State, after consultation with local government officials, could request that the Secretary exempt certain Interstate segments on the basis of safety considerations. These requests would have to be supported by evidence documenting the reasons why the Governor believes a certain segment is not capable of safely accommodating the vehicle combinations or lengths established in the STAA. The Secretary would be required to make a determination whether to grant the exemption within 45 days of receipt of the information submitted by the Governor. The bill also requires that any

exemption determination would be published as part of the final rules required under subsection (e) of section 411 of the STAA. Finally, the bill would require that the Secretary consult with affected units of local governments to determine alternative routes after any particular exemption determination has been made.

Mr. Chairman, aside from some technical concerns, which I will discuss in further detail, we support the concept of S. 2217. I would also like to note at this point, that we appreciate the support and consideration that Congress has given to this issue over the last year. With your continuing support we hope to have a final national network in place very shortly.

Before I discuss our comments on the bill I would like to provide you with some background information concerning our implementation of the STAA. We have been engaged in the designation process mandated by Section 411(e) of the STAA for over a year. The proposed final National Network designations were published in the Federal Register on September 14, 1983, and we hope to issue a final rule in the near future. The "National Network" is defined in the proposed rule as the entire Interstate System and certain designated Primary system highways. This network definition was based upon the clear terms of the STAA, that no State be allowed to prohibit the vehicle configurations or length limits established in the Act "on any segment of the National System of Interstate and Defense highways and those

classes of qualifying Federal-aid Primary System highways as designated by the Secretary...." Thus, from the very beginning we did not consider whether particular Interstate highways should be included in the network because Congress had already, by statute, designated the entire Interstate System for operation by the vehicles authorized under the STAA.

As I have already indicated, when we set out to designate a National network for operation by these larger vehicles, inclusion of the entire Interstate System was a given. However, we also determined at the outset that under certain circumstances, and subject to FHWA approval, reasonable restrictions could be imposed upon the operation of these vehicles on all highways on the network, including Interstate routes. Apparently, our treatment of reasonable restrictions in our April 5 Policy Statement and later in the September notice of proposed rulemaking has caused some confusion. I would like to discuss our reasons for recognizing the States' authority to impose reasonable restrictions.

Prior to STAA passage, many States had imposed a variety of restrictions on the operation of truck traffic on Interstate highways within their jurisdictions. Many of these restrictions served and continue to serve legitimate safety or traffic operations purposes. It is our belief that Congress did not intend to preclude the States from continuing to impose these restrictions with the passage of the STAA. We came to this

conclusion based upon a review of the terms of the statute, the purposes of the STAA, and the prior practice of the States. The terms of the statute bar the "prohibition" of certain trucks but do not refer to restrictions. Therefore, we determined that, absent statutory constraints, and based upon the successful practice that many States had already experienced, it was well within the Secretary's authority in implementing the law to recognize the restrictions process as an appropriate practice.

We believe our restrictions process can address most problems that might exist with respect to the operation of the larger vehicles on Interstate highways. Lane restrictions, peak hour restrictions, and circumferential beltway restrictions were suggested as reasonable restrictions in our notice of proposed rulemaking and were designed to accommodate the special geometric, design, or traffic operations problems that affect many of our Interstate routes, particularly those located in urbanized areas. However, while we are dedicated to making the process work and believe it can work, legislation such as S.2217 would make our job easier.

We would like to offer the following comments on the bill. We feel that the consideration of alternate routings prescribed in section 441(i)(3) should be a required part of the decision process prescribed in section 441(i)(2). Therefore, section 441(i)(1) should be modified to provide that alternate routing suggestions should accompany a Governor's request to the

Secretary. The Secretary, while not required to find an alternative route, should consider potential alternative routings in determining whether to grant an exemption. These considerations are important in order to preserve the intent of the STAA that the larger trucks authorized by the Act are not unduly limited from serving the needs of interstate commerce.

The bill should also be revised to permit the Secretary to authorize exemptions on her own initiative should the need arise. In addition, the bill should authorize exemption of certain Interstate highways from the width requirements in section 416 of the STAA. This section requires that 102-inch wide trucks be permitted on the entire Interstate System. We see no reason for treating safety problems related to truck length and configuration any differently than those related to truck width.

Finally, we would like to offer several technical comments. First, as a practical matter, the length of time in which the Secretary must make a final determination whether or not to exempt a segment of the Interstate System should be increased. We recognize the need to process state requests as expeditiously as possible, but a 45-day turnaround time would be next to impossible to meet in light of the rulemaking requirements of the Administrative Procedure Act. Accordingly, we recommend that a longer period of time be permitted for these determinations. Second, we suggest that the title of the bill be changed to "The Truck Size Amendments of 1984". Since the exemptions process as

drafted would apply to single-trailer as well as tandem-trailer trucks, we believe our suggested title would provide a more appropriate description of the bill. Finally, all references to section 441 of the STAA should be revised to refer to section 411, which is the correct citation.

Mr. Lamm and I would be pleased to answer any questions you or other members of the Subcommittee may have.